

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
PARAMOUNT APPAREL, LTD., :  
:

Plaintiff :  
:

v. :  
:

THE CHILDREN'S PLACE RETAIL STORES, INC., :  
:

Defendant. :  
-----X

Case No. 07-CV-8642(WHP)

**ANSWER**

Defendant The Children's Place Retail Stores, Inc. ("Defendant"), by its attorneys  
Fross Zelnick Lehrman & Zissu, P.C., for its Answer to the Complaint herein, alleges:

1. Admits the allegations of Paragraph 1 of the Complaint.
2. Denies the allegations of Paragraph 2 of the Complaint.
3. Denies the allegations of Paragraph 3 of the Complaint.
4. Paragraph 4 of the Complaint contains no factual allegations to which  
Defendant must respond.
5. Paragraph 5 of the Complaint contains no factual allegations to which  
Defendant must respond.
6. Lacks knowledge or information sufficient to form a belief about the truth  
of the allegations of Paragraph 6 of the Complaint.
7. Lacks knowledge or information sufficient to form a belief about the truth  
of the allegations of Paragraph 7 of the Complaint.
8. Admits the allegations of Paragraph 8 of the Complaint.
9. Lacks knowledge or information sufficient to form a belief about the truth  
of the allegations of Paragraph 9 of the Complaint.

10. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 10 of the Complaint.

11. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 11 of the Complaint.

12. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 12 of the Complaint.

13. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 13 of the Complaint.

14. Admits the allegations of Paragraph 14 of the Complaint.

15. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 15 of the Complaint.

16. Denies the allegations of Paragraph 16 of the Complaint.

17. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 17 of the Complaint.

18. Admits the allegations of Paragraph 18 of the Complaint.

19. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 19 of the Complaint.

20. Admits the allegations of Paragraph 20 of the Complaint.

21. Denies the allegations of Paragraph 21 of the Complaint.

22. Defendant admits that it used a promotional campaign called THE BIG CHILL OUTERWEAR EVENT and that it promoted a product called “The Puffer Jacket” at a price of \$29.50 as part of that promotion and denies all other allegations of Paragraph 22 of the Complaint.

23. Admits that window displays and in-store displays including the phrase THE BIG CHILL OUTERWEAR EVENT were placed in certain of Defendant's retail locations and denies all other allegations of Paragraph 23 (a) of the Complaint; admits that an animation sequence including the phrase BIG CHILL OUTERWEAR EVENT was used on Defendant's web site at [www.childrensplace.com](http://www.childrensplace.com) and denies all other allegations of Paragraph 23 (b) of the Complaint; and denies the allegations of Paragraph 23(c) of the complaint.

24. Denies the allegations of Paragraph 24 of the Complaint.

25. Admits the allegations of Paragraph 25 of the Complaint.

26. Denies the allegations of Paragraph 26 of the Complaint.

27. Denies the allegations of Paragraph 27 of the Complaint.

28. Denies the allegations of Paragraph 28 of the Complaint.

29. Denies the allegations of Paragraph 29 of the Complaint.

30. Admits that on or about October 2, 2007, Defendant received a letter from counsel for Plaintiff concerning THE BIG CHILL OUTWEAR EVENT and denies all other allegations of Paragraph 30 of the Complaint.

**RESPONDING TO THE FIRST CLAIM FOR RELIEF  
(Infringement of Federally Registered Trademarks)**

31. Paragraphs 1 through 30 above are incorporated herein by reference as if fully set forth at length.

32. Lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 32 of the Complaint.

33. Admits the allegations of Paragraph 33 of the Complaint, except denies that Defendant uses the registered trademarks.

34. Denies the allegations of Paragraph 34 of the Complaint.

35. Denies the allegations of Paragraph 35 of the Complaint.

36. Denies the allegations of Paragraph 36 of the Complaint.

37. Denies the allegations of Paragraph 37 of the Complaint.

38. Denies the allegations of Paragraph 38 of the Complaint.

**RESPONDING TO THE SECOND CLAIM FOR RELIEF  
(Federal Unfair Competition, False Designation of Origin and False Advertising)**

39. Paragraphs 1 through 38 above are incorporated herein by reference as if fully set forth at length.

40. Denies the allegations of Paragraph 40 of the Complaint.

41. Denies the allegations of Paragraph 41 of the Complaint.

42. Denies the allegations of Paragraph 42 of the Complaint.

43. Denies the allegations of Paragraph 43 of the Complaint.

**RESPONDING TO THE THIRD CLAIM FOR RELIEF  
(Common Law Trademark Infringement and Unfair Competition)**

44. Paragraphs 1 through 43 above are incorporated herein by reference as if fully set forth at length.

45. Denies the allegations of Paragraph 45 of the Complaint.

46. Denies the allegations of Paragraph 46 of the Complaint.

47. Denies the allegations of Paragraph 47 of the Complaint.

48. Denies the allegations of Paragraph 48 of the Complaint.

49. Denies the allegations of Paragraph 49 of the Complaint.

**RESPONDING TO THE FOURTH CLAIM FOR RELIEF  
(Violation of N.Y. Arts and Cultural Affairs Law § 33.09)**

50. Paragraphs 1 through 49 above are incorporated herein by reference as if fully set forth at length.

51. Denies the allegations of Paragraph 51 of the Complaint.

52. Denies the allegations of Paragraph 52 of the Complaint.

53. Denies the allegations of Paragraph 53 of the Complaint.

54. Denies the allegations of Paragraph 54 of the Complaint.

**RESPONDING TO THE FIFTH CLAIM FOR RELIEF  
(Deceptive Acts and Practices in violation of N.Y. Gen. Bus. Law § 349)**

55. Paragraphs 1 through 54 above are incorporated herein by reference as if fully set forth at length.

56. Denies the allegations of Paragraph 56 of the Complaint.

57. Denies the allegations of Paragraph 57 of the Complaint.

58. Denies the allegations of Paragraph 58 of the Complaint.

**AFFIRMATIVE DEFENSE**

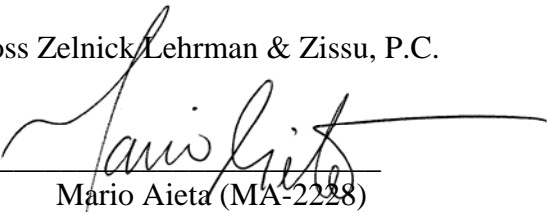
59. The Complaint fails to state a claim upon which relief can be granted.

WHEREFORE, Defendant demands judgment in its favor dismissing all of the claims asserted against it and awarding it the costs and attorneys' fees of this action.

Dated: New York, New York  
December 21, 2007

Fross Zelnick Lehrman & Zissu, P.C.

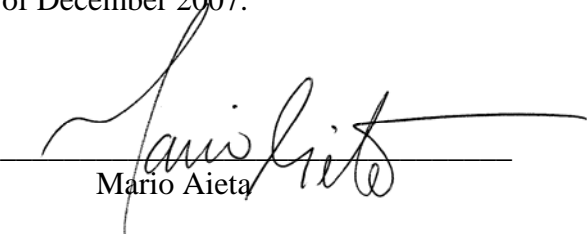
By

  
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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing ANSWER was served on Plaintiff by First Class Mail, postage prepaid, by mailing the same to counsel for Plaintiff, L. Donald Prutzman, Esq., Tannenbaum Helpen Syracuse & Hirschtritt LLP, 900 Third Avenue, New York, NY 10022 this 21st day of December 2007.



Mario Aieta